UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Jamie Davis,
 	
              Plaintiff
 	
v.
 	
Diversified Consultants, Inc., and
DOES 1-10, inclusive,
 	
              Defendants
	Civil Action No. 1:13-cv-10875-FDS

AFFIDAVIT OF RAFAL LESZCZYNSKI

I, Rafal Leszczynski, declare as follows:

1.   My name is Rafal Leszczynski. I am over the age of eighteen, and I have knowledge of the facts and matters set forth in this affidavit based on my own first-hand knowledge and my review of the regularly maintained business records of the defendant Diversified Consultants, Inc. ("DCI").

2.   I am the Director of Operations and Dialing Systems for DCI. DCI is a licensed collection agency with a principal place of business in Jacksonville, Florida.

3.   My professional experience includes implementing, designing, coding, and testing different communications-related software; implementing and troubleshooting telephone circuits and network connectivity issues; developing ad-hoc and custom reporting for collection departments; and supporting applications and working with LiveVox, a dialer company that utilizes Voice-Over-Internet Protocol to make connections with debtors. I have experience working with the systems utilized by DCI, and I am familiar with their operation.

4.   When making telephone calls to debtors, DCI utilizes a third-party, independent

contractor called LiveVox, which provides a hosted-dialer program connected to DCI through a

"Voice-Over-Internet Protocol" ("VOIP") system.

5.   The LiveVox service does not have the capacity to produce or store telephone

numbers using a random or sequential number generator, or to call numbers without human

intervention. In fact, on a daily basis, I am required to create a group of telephone numbers to be

dialed by the LiveVox system. My practice is to take the telephone numbers from the DCI

clients placing the account, and then to provide them to LiveVox. The only telephone numbers

that I include in this process are those specific numbers provided by DCI's clients and

downloaded into the LiveVox system.

6.   LiveVox, not DCI, makes the calls to debtors. LiveVox, not DCI, provides and

controls the software and technology that makes the calls possible.

7.   The LiveVox system does not store the numbers input by me. At 1:00 a.m., all

numbers are wiped off of the system and no information remains on the system. These numbers

are not available to be reused. Instead, those accounts have to be rebuilt to reflect any changes

on the account. When I log onto the system the next day, there are no lists or information

reflected on the system. On a daily basis I must load the system with the next batch of accounts

and contact information provided by DCI's clients.

8.   Instead of dialing telephone numbers stored or produced with a random or

sequential number generator, DCI relies on the LiveVox service strategically to contact debtors.

The telephone numbers are provided to DCI by the client and input into the LiveVox system.

These telephone numbers are not, and never have been, provided to DCI using a random or

sequential number generator, because our clients' accounts with their customers reflect a prior business relationship.

9.   When a debtor's account and contact information is retrieved by a DCI collection associate, these telephone calls are not produced using a random or sequential number generator. In fact, LiveVox does not call debtors in a sequential order, and it makes calls only during those times of the day during which they are entitled to call pursuant to the FDCPA and state law.

10.   At no time did DCI make any telephone calls to the plaintiff Davis with the intent to annoy or harass him. DCI representatives actually connected to and spoke with the plaintiff only six times. DCI left the plaintiff no voicemail messges.

I, Rafal Leszczynski, declare under penalty of perjury, as provided for by the laws of the United States, 28 U.S.C. § 1746, in Jacksonville, Florida on this the 31st day of March, 2014, that the above and foregoing statements are true and correct.

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/s/ Rafal Leszczynski_____
Rafal Leszczynski, Affiant

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